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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,136	10/06/2003	Shinichiro Goto	107439-00098	1080
7590 03/05/2009 ARENT FOX KINTNER PLOTKIN & KAHN, PLLC Suite 400 1050 Connecticut Avenue, N.W. Washington, DC 20036-5339				
EXAMINER				
SHIU, HO T				
ART UNIT		PAPER NUMBER		
2457				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/678,136

**Applicant(s)**

GOTO, SHINICHIRO

**Examiner**

HO SHIU

**Art Unit**

2457

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. In view of the appeal brief filed on 11/03/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits ( 37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-2, and 11-14 are pending in this application.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls (US Patent # 7,003,289, hereinafter Kolls) in view of Bereznyi et al (US Patent # 6,449,695 B1, hereinafter Berez) and in further view of Singh (US Patent # 6,665,704, hereinafter Singh).**

5. With respect to claim 1, Kolls discloses a client-server vehicle data communication system, comprising: a server (col. 6, lines 25-34); a service contents managing section for managing a plurality of service contents to be provided to a client terminal of a vehicle, wherein the service contents managing section includes a cache identifier providing section for assigning each service content provided to the client terminal a cache identifier which indicates a data cache stored duration time in the client terminal, so as to manage the data cache stored duration time of the service content (col. 6, lines 44-63), wherein the client terminal uses the server, and a cache state managing section for managing the data cache stored duration time of the service content is provided from the server according to the cache identifier assigned to the service content (col. 6, lines 45-63); and a request sending section for sending a request signal for the service content to the server, where the server content is provided from the server when the request signal is received by the server (col. 51, lines 12-52, col. 26, lines 41-58); wherein the cache identifier indicates a condition for caching of the service content (col. 51, lines 12-52, col. 26, lines 41-58) but does not clearly disclose wherein when a request for the service content is again issued in the client terminal while the condition for the caching is satisfied and the service content is cached in a

memory of the client terminal, the service content in the memory is read out without sending the request signal for the service content to the server.

However, in the same field of endeavor, Berez discloses wherein when a request for the service content is again issued in the client terminal while the condition for the caching is satisfied and the service content is cached in a memory of the client terminal, the service content in the memory is read out without sending the request signal for the service content to the server (abstract, col. 1, lines 12-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kolls with the teachings of Berez in order to avoid the need to download the same data again from the data source (col. 1, lines 12-26).

Although Kolls discloses the ability to cache data can allow a COM device to hold data at a plurality of Com device locations until the appropriate time, it doesn't explicitly define what exactly that appropriate time is.

In the same field of endeavor, Singh discloses a cache identifier which indicates a data cache stored duration time in the client terminal, so as to manage the data cache stored duration time of the service content, (col. 4, lines 40-56), wherein the client terminal uses the server, and a cache state managing section for managing the data cache stored duration time of the service content is provided from the server according to the cache identifier assigned to the service content (col. 4, lines 40-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kolls and Berez with the

teachings of Singh in order to retrieve information from a server process for a client process and be able to determine when the data in the client process is too old. and needs to be removed.

**6. Claims 2, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Berez in view of Sign and in further view of Irons et al. (US Patent # 5,999,876, hereinafter Irons).**

7. With respect to claim 2, Kolls, Berez, and Singh does not clearly disclose the assigned cache identifier is selected from a group comprising: an identifier for indicating that the service content is not stored in the client terminal; an identifier for indicating that the service content is temporarily stored until an engine of the vehicle is stopped; an identifier for indicating that the service content is stored even after the engine of the vehicle is stopped; an identifier for indicating that the service content is stored while a travel distance of the vehicle from where the vehicle obtained the service content is within a predetermined value; and an identifier for indicating that the service content is stored from when the vehicle obtains the service content until a predetermined time has elapsed.

However, in the same field of endeavor, Irons discloses the assigned cache identifier is selected from a group comprising: an identifier for indicating that the service content is not stored in the client terminal; an identifier for indicating that the service content is temporarily stored until an engine of the vehicle is stopped; an identifier for

indicating that the service content is stored even after the engine of the vehicle is stopped (col. 3, lines 20-26); an identifier for indicating that the service content is stored while a travel distance of the vehicle from where the vehicle obtained the service content is within a predetermined value; and an identifier for indicating that the service content is stored from when the vehicle obtains the service content until a predetermined time has elapsed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kolls, Berez, and Singh with the teachings of Irons in order to establish a time when data can be retrieved so that an adequate time for all of the data caches to be stored or reset is provided (col. 8, lines 7-17).

8. With respect to claim 11, it is rejected for the same reasons as claim 2 above. In addition, Irons discloses wherein the cache state managing section deletes data of the service content stored in the memory of the client terminal based on the cache identifier (col. 5, lines 16-24).

9. With respect to claim 12, Kolls discloses wherein the assigned cache identifier is an identifier for indicating that the service content is not stored in the client terminal (col. 5, lines 12-52)

10. With respect to claim 13, it is rejected for the same reasons as claim 2 above. In addition, Irons discloses wherein the assigned cache identifier is an identifier for indicating that the service content is temporarily stored until an engine of the vehicle is stopped (abstract, col. 3, lines 20-26).

**11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Berez in view of Singh and in further view of Desens et al. (US Patent # 6,097,314, hereinafter Desens).**

12. With respect to claim 14, Kolls, Berez, and Singh does not clearly disclose wherein the assigned cache identifier is an identifier for indicating that the service content is stored while a travel distance of the vehicle from where the vehicle obtained the service content is within a predetermined value.

However, in the same field of endeavor, Desens discloses wherein the assigned cache identifier is an identifier for indicating that the service content is stored while a travel distance of the vehicle from where the vehicle obtained the service content is within a predetermined value (col. 2, lines 37-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kolls, Berez, and Singh with the teachings of Desens in order to limit the required storage capacity site for storing the data.



***Response to Arguments***

13. Applicant's arguments, with regards to claims 1-2, and 11-14 have been considered by are moot in view of the new ground(s) of rejection.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HO SHIU whose telephone number is (571)270-3810. The examiner can normally be reached on Mon-Thur (8:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/678,136  
Art Unit: 2457

Page 9

HTS  
02/28/2009

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